

# CONNECTICUT MISCELLANEOUS CRIMES CHART

Prepared by the JLCs/AAs of the Hartford Immigration Court

Possible Charges of Removability	Maximum Sentence	Aggravated Felony?	Crime Involving Moral Turpitude?	Other
<b>Conn. Gen. Stat. Ann. 53-21. Injury or risk of injury to, or impairing morals of, children. Sale of children.</b>				
(a) Any person who				
	<p>(1) willfully or unlawfully causes or permits any child under the age of sixteen years to be placed in such a situation that the life or limb of such child is endangered, the health of such child is likely to be injured or the morals of such child are likely to be impaired, or does any act likely to impair the health or morals of any such child, or</p> <p>(2) has contact with the intimate parts, as defined in section 53a-65, of a child under the age of sixteen years or subjects a child under sixteen years of age to contact with the intimate parts of such person, in a sexual and indecent manner likely to impair the health or morals of such child, or</p> <p>(3) permanently transfers the legal or physical custody of a child under the age of sixteen years to another person for money or other valuable consideration or acquires or receives the legal or physical custody of a child under the age of sixteen years from another person upon payment of money or other valuable consideration to such other person or a third person, except in connection with an adoption proceeding that complies with the provisions of chapter 803, shall be guilty</p> <p>...</p>			
(b) The act of a parent or agent leaving an infant thirty days or younger with a designated employee pursuant to section 17a-58				
shall not constitute a violation of this section.				
INA § 101(a)(43)(F); 8 U.S.C. § 1101(a)(43)(F) <b>(Aggravated Felony Crime of Violence under 8 U.S.C. § 1101(a)(43)(F))</b>	Class C felony for a violation of subdivision (1) or (3) of this subsection—no more than 10 years imprisonment or fine of \$10,000. Conn. Gen. Stat. Ann. § 53-21(a).	(b) (5)		
INA § 237(a)(2)(E)(i) <b>Crime of Child Abuse</b>	Class B felony (no more than 20 years imprisonment or \$15,000 fine) for a violation of subdivision (2) of this subsection, except that, if the violation is of subdivision (2) of this subsection and the victim of the offense is under thirteen years of age, such person shall be sentenced to a term of imprisonment of which five years of the sentence imposed may not be suspended or reduced by the court. Conn. Gen. Stat. Ann. § 53-21(a).			

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<b>Conn. Gen. Stat. §53a-59, Assault in the first degree: Class B Felony: Nonsuspendable sentences</b>				
		<p>(a) A person is guilty of assault in the first degree when: (1) With intent to cause serious physical injury to another person, he causes such injury to such person or to a third person by means of a deadly weapon or a dangerous instrument; or (2) with intent to disfigure another person seriously and permanently, or to destroy, amputate or disable permanently a member or organ of his body, he causes such injury to such person or to a third person; or (3) under circumstances evincing an extreme indifference to human life he recklessly engages in conduct which creates a risk of death to another person, and thereby causes serious physical injury to another person; or (4) with intent to cause serious physical injury to another person and while aided by two or more other persons actually present, he causes such injury to such person or to a third person; or (5) with intent to cause physical injury to another person, he causes such injury to such person or to a third person by means of the discharge of a firearm.</p> <p>(b) Assault in the first degree is a class B felony provided (1) any person found guilty under subdivision (1) of subsection (a) shall be sentenced to a term of imprisonment of which five years of the sentence imposed may not be suspended or reduced by the court and (2) any person found guilty under subsection (a) shall be sentenced to a term of imprisonment of which ten years of the sentence imposed may not be suspended or reduced by the court if the victim of the offense is a person under ten years of age or if the victim of the offense is a witness, as defined in section 53a-146, and the actor knew the victim was a witness.</p>	(b) (5) 	

Possible Charges of Removability	Maximum Sentence	Aggravated Felony?	Crime Involving Moral Turpitude?
<b>Conn. Gen. Stat. Sec. 53a-70. Sexual assault in the first degree: Class B or A felony.</b>			
		<p>(a) A person is guilty of sexual assault in the first degree when such person</p> <p>(1) compels another person to engage in sexual intercourse by the use of force against such other person or a third person, or by the threat of use of force against such other person or against a third person which reasonably causes such person to fear physical injury to such person or a third person, or</p> <p>(2) engages in sexual intercourse with another person and such other person is under thirteen years of age and the actor is more than two years older than such person, or</p>	

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<p>(3) commits sexual assault in the second degree as provided in section 53a-71 and in the commission of such offense is aided by two or more other persons actually present, or</p> <p>(4) engages in sexual intercourse with another person and such other person is mentally incapacitated to the extent that such other person is unable to consent to such sexual intercourse.</p>		
INA § 237(a)(2)(A)(iii); 8 U.S.C. § 1227(a)(2)(A)(iii)	<p>Sexual assault in the first degree is a class B felony (20 years maximum imprisonment) for which two years of the sentence imposed may not be suspended or reduced by the court or, if the victim of the offense is under ten years of age, for which ten years of the sentence imposed may not be suspended or reduced by the court.</p>	(b) (5) [REDACTED]
INA § 237(a)(2)(A)(i); 8 U.S.C. § 1227(a)(2)(A)(i) (CIMT)		(b) (5) [REDACTED]
INA § 101(a)(43)(F); 8 U.S.C. § 1101(a)(43)(F)	<p>Sexual assault in the first degree is a class A felony (50 years maximum imprisonment) if the offense is a violation of subdivision (1) of subsection (a) of this section and the victim of the offense is under sixteen years of age or the offense is a violation of subdivision (2) of subsection (a) of this section.</p>	(b) (5) [REDACTED]
(Aggravated Felony Crime of Violence under 8 U.S.C. § 1101(a)(43)(F))	<p>Any person found guilty of first degree sexual assault shall be sentenced to a term of imprisonment of at least ten years. <i>See</i> Conn. Gen. Stat. Ann. § 53a-70(b).</p>	<p><i>See State v. White</i>, 55 A.3d 818, 823 (Conn. App. Ct. 2012) ("[N]othing . . . in our law, suggests that proof of physical violence is necessary to establish that the sexual intercourse or contact has been compelled by the use of force or a threat of the use of force.") (quoting <i>State v. Jason B.</i>, 958 A.2d 1266, 1269 (Conn. App. Ct. 2008), cert. denied, 962 A.2d 794 (Conn. 2009)).</p>

*See Efstathiadis v. Holder*, 119 A.3d 522,530 (Conn. 2015) The Second Circuit certified to the Connecticut Supreme Court questions of law regarding the interpretation of Conn. Gen. Stat. § 53a-73a (a) (2) which governs sexual assault in the fourth degree. The Court found that it had applied the criminal negligence standard to Conn. Gen. Stat. § 53a-70 in *State v. Smith* 554 A.2d 713, 715 (Conn. 1989), which held that Conn. Gen. Stat. § 53a-70 was a general intent crime and "rejected intentionally, knowingly, and recklessly as the required mens rea."

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<b>Conn. Gen. Stat. Ann. § 53a-96. Unlawful Restraint in the second degree: Class A Misdemeanor</b>				
(a) A person is guilty of unlawful restraint in the second degree when he restrains another person.				
(b) Unlawful restraint in the second degree is a class A misdemeanor.				
INA § 212(a)(2)(A)(i)(I) CIMT	Fine not to exceed \$2,000 or imprisonment not to exceed one year	(b) (5)	[REDACTED]	

Possible Charges of Removability	Maximum Sentence	Aggravated Felony?	Crime Involving Moral Turpitude?	Other
<b>Conn. Gen. Stat. Ann. § 53a-116. Criminal mischief in the second degree</b>				
(a) A person is guilty of criminal mischief in the second degree when:				
(1) With intent to cause damage to tangible property of another and having no reasonable ground to believe that such person has a right to do so, such person damages tangible property of another in an amount exceeding two hundred fifty dollars; or				
(2) with intent to cause an interruption or impairment of service rendered to the public and having no reasonable ground to believe that such person has a right to do so, such person damages or tampers with tangible property of a public utility or mode of public transportation, power or communication, and thereby causes a risk of interruption or impairment of service rendered to the public; or				
(3) with intent to cause damage to tangible property owned by the state or a municipality that is located on public land and having no reasonable ground to believe that such person has a right to do so, such person damages such tangible property in an amount exceeding two hundred fifty dollars.				
(b) Criminal mischief in the second degree is a class A misdemeanor.				

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INA § 212(a)(2)(A)(i)(I) CIMT	Fine not to exceed \$2,000 or imprisonment not to exceed one year	(b) (5) [REDACTED]	
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<b>Conn. Gen. Stat. § 53a-151. Tampering with a witness: Class C felony.</b> (a) A person is guilty of tampering with a witness if, believing that an official proceeding is pending or about to be instituted, he induces or attempts to induce a witness to testify falsely, withhold testimony, elude legal process summoning him to testify or absent himself from any official proceeding. (b) Tampering with a witness is a class C felony.				
INA § 101(a)(43)(S) <b>(Aggravated Felony Obstruction of Justice</b> 8 U.S.C. § 1101(a)(43)(S))	No more than 10 years imprisonment or \$10,000 fine.	YES: In <i>Higgins v. Holder</i> 677 F.3d 97, 107 (2d. Cir. 2012) the court held the statute fit the elements of the generic offense of obstruction of justice and a conviction under the statute is categorically an offense relating to the obstruction of justice under 8 U.S.C. § 1101(a)(43).	Unknown, requires further analysis.	

## MAXIMUM SENTENCING

Unless the sentence is specifically listed in the statute itself, the following guidelines apply:

### **Juvenile Sentences**

- §18-65a. Confinement of young and teenage women
  - Imprisonment not to exceed 5 years for women between the ages of 16 and 21
- §18-73. Confinement of male children and youths
  - Imprisonment not to exceed 5 years for men between the ages of 16 and 21

### **Connecticut Violations**

- **§ 53a-27. Violation: Definition, designation**
  - (a) An offense, for which the only sentence authorized is a fine, is a violation unless expressly designated an infraction.
  - (b) Every violation defined in this chapter is expressly designated as such. Any offense defined in any other section which is not expressly designated a violation or infraction shall be deemed a violation if, notwithstanding any other express designation, it is within the definition set forth in subsection (a).
- **§53a-43 Fines for Violations**
  - Not to exceed \$500
  - In the case of a violation defined in any other section of the general statutes, if the amount of the fine is expressly specified in the section that defines the offense, the amount of the fine shall be fixed in accordance with such section.

### **Connecticut Misdemeanors: CONN. GEN. STAT. ANN. §§ 53a-36 Imprisonment for Misdemeanor; 53a-42 Fines for Misdemeanors**

- Class A—fine not to exceed \$2,000 or imprisonment not to exceed one year
- Class B—fine not to exceed \$1,000 or imprisonment not to exceed six months
- Class C—fine not to exceed \$500 or imprisonment not to exceed three months
- Class D—fine not to exceed \$250 or imprisonment not to exceed 30 days

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- Unclassified—"an amount in accordance with the fine specified in the section of the general statutes that defines or provides the penalty for the crime" or "a term in accordance with the sentence specified in the section of the general statutes that defines or provides for the penalty for the crime"

## Connecticut Felonies

- **CONN. GEN. STAT. ANN. § 53a-25 Felony: Definition, classification, designation**
  - An offense where a person is sentenced to a term of imprisonment in excess of one year is a felony
  - Felonies are classified as Class A, Class B, Class C, Class D, Class E, Unclassified, and Capital Felonies
  - Any offense defined in any section of the general statutes which, by virtue of an expressly specified sentence, is within the definition set forth in subsection (a) of this section, but for which a particular classification is not expressly designated, shall be deemed: (1) A class E felony if the maximum term of imprisonment specified is in excess of one year but not more than three years; or (2) an unclassified felony if the maximum term of imprisonment is otherwise within the definition set forth in subsection (a) of this section.
- **CONN. GEN. STAT. ANN. § 53a-35 Imprisonment for Felony Committed Prior to July 1, 1981**
  - (a) For any felony committed prior to July 1, 1981, the sentence of imprisonment *shall be an indeterminate sentence*, except as provided in subsection (d). When such a sentence is imposed the court shall impose a maximum term in accordance with the provisions of subsection (b) and the minimum term shall be as provided in subsection (c) or (d).
  - (b) **The maximum term of an indeterminate sentence shall be fixed by the court and specified in the sentence as follows:**
    - (1) For a class A felony, life imprisonment;
    - (2) for a class B felony, a term not to exceed twenty years;
    - (3) for a class C felony, a term not to exceed ten years;
    - (4) for a class D felony, a term not to exceed five years;
    - (5) for an unclassified felony, a term in accordance with the sentence specified in the section of the general statutes that defines the crime; and
    - (6) for a capital felony, life imprisonment unless a sentence of death is imposed in accordance with section 53a-46a.
  - (c) Except as provided in subsection (d) the minimum term of an indeterminate sentence shall be fixed by the court and specified in the sentence as follows:
    - (1) For a class A felony, the minimum term shall not be less than ten nor more than twenty-five years;
    - (2) for a class B, C or D felony the court may fix a minimum term of not less than one year nor more than one-half of the maximum term imposed, except that (A) where the maximum is less than three years the minimum term may be more than one-half the maximum term imposed or (B) when a person is found guilty under section 53a-59(a)(1), section 53a-59a, 53a-101(a)(1) or 53a-134(a)(2), the minimum term shall be not less than five years and such sentence shall not be suspended or reduced, or when a person is found guilty under section 53a-60c, the minimum term shall be not less than three years and such sentence shall not be suspended or reduced, or when a person is found guilty under section 53a-60b, the minimum term shall be not less than two years and such sentence shall not be suspended or reduced;
    - (3) for an unclassified felony, a term in accordance with the sentence specified in the section of the general statutes that defines the crime.
  - (d) Notwithstanding the provisions of subsections (a) and (c), except as provided in subdivision (2) of said subsection (c), when a person is sentenced for a class C or D felony or for an unclassified felony, the maximum sentence for which does not exceed ten years, the court may impose a definite sentence of imprisonment and fix a term of one year or less; except when a person is found guilty under sections 53a-55a, 53a-56a, 53a-60a, 53a-70a, 53a-72b, 53a-92a, 53a-94a, 53a-102a and 53a-103a, the court shall not fix a term of less than one year.
- **CONN. GEN. STAT. ANN. § 53a-35 Imprisonment for Felony Committed on or After July 1, 1981**
  - For any felony committed on or after July 1, 1981, the sentence of imprisonment *shall be a definite sentence* and, unless the section of the general statutes that defines or provides the penalty for the crime specifically provides otherwise, the term shall be fixed by the court as follows:
    - (1)
      - (A) For a capital felony committed prior to April 25, 2012, under the provisions of section 53a-54b in effect prior to April 25, 2012, a term of life imprisonment without the possibility of release unless a sentence of death is imposed in accordance with section 53a-46a, or

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- (B) for the class A felony of murder with special circumstances committed on or after April 25, 2012, under the provisions of section 53a-54b in effect on or after April 25, 2012, a term of life imprisonment without the possibility of release;
- (2) For the class A felony of murder, a term not less than twenty-five years nor more than life;
- (3) For the class A felony of aggravated sexual assault of a minor under section 53a-70c, a term not less than twenty-five years or more than fifty years;
- (4) For a class A felony other than an offense specified in subdivision (2) or (3) of this section, a term not less than ten years nor more than twenty-five years;
- (5) For the class B felony of manslaughter in the first degree with a firearm under section 53a-55a, a term not less than five years nor more than forty years;
- (6) For a class B felony other than manslaughter in the first degree with a firearm under section 53a-55a, a term not less than one year nor more than twenty years;
- (7) For a class C felony, a term not less than one year nor more than ten years;
- (8) For a class D felony, a term not more than five years;
- (9) For a class E felony, a term not more than three years; and
- (10) For an unclassified felony, a term in accordance with the sentence specified in the section of the general statutes that defines or provides the penalty for the crime.

- **CONN. GEN. STAT. ANN. § 53a-41 Fines for Felonies**
  - A fine for the conviction of a felony shall, unless the section of the general statutes that defines or provides the penalty for the crime specifically provides otherwise, be fixed by the court as follows:
    - (1) For a class A felony, an amount not to exceed twenty thousand dollars;
    - (2) for a class B felony, an amount not to exceed fifteen thousand dollars;
    - (3) for a class C felony, an amount not to exceed ten thousand dollars;
    - (4) for a class D felony, an amount not to exceed five thousand dollars;
    - (5) for a class E felony, an amount not to exceed three thousand five hundred dollars; and
    - (6) for an unclassified felony, an amount in accordance with the fine specified in the section of the general statutes that defines or provides the penalty for the crime.

## GENERIC OFFENSES

### **“CRIME INVOLVING MORAL TURPITUDE (CIMT)”**

- The Second Circuit has adopted the BIA’s definition of a CIMT, as conduct which is inherently base, vile, or depraved, and contrary to the accepted rules of morality and the duties owed between persons, or the duties owed to society in general. *See Mendez v. Mukasey*, 547 F.3d 345, 347 (2d Cir. 2008).

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